

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JAN - 4 2005

FILED
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BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION**

County of Nassau v. Abbott Laboratories, Inc., et al., E.D. New York, C.A.
No. 2:04-5126

CONDITIONAL TRANSFER ORDER (CTO-19)

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 33 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the action on this conditional transfer order involves questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), this action is transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

Inasmuch as no objection is
pending at this time, the
stay is lifted.

JAN 21 2005

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:04-cv-05126-DRH-MLO**

County of Nassau v. Abbott Laboratories, Inc. et al
Assigned to: Judge Denis R. Hurley
Referred to: Chief Magistrate Michael L. Orenstein
Related Case: 2:03-cv-00229-DRH-MLO
Cause: 18:1962 Racketeering (RICO) Act

Date Filed: 11/24/2004
Jury Demand: Plaintiff
Nature of Suit: 470 Racketeer/Corrupt
Organization
Jurisdiction: Federal Question

Plaintiff

County of Nassau

represented by **Melvyn I. Weiss**
Milberg Weiss Bershad & Schulman
LLP
One Pennsylvania Plaza
New York, NY 10119-0165
(212) 594-5300
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Abbott Laboratories, Inc.

Defendant

Agouron Pharmaceuticals, Inc.

Defendant

Amgen, Inc.

Defendant

Astrazeneca Pharmaceuticals, L.P.

Defendant

Astrazeneca U.S.

Defendant

Aventis Behring

Defendant

Aventis Pharmaceuticals Inc.

Defendant

Barr Laboratories, Inc.

Defendant

Baxter International, Inc.

Defendant

Bayer AG

Defendant

Berlex Laboratories, Inc.

Defendant

Biogen, Inc.

Defendant

Boehringer Ingelheim Corp.

Defendant

Bristol-Myers Squibb Company

Defendant

Eli Lilly and Company

Defendant

**Fujisawa Pharmaceutical Company,
Ltd.**

Defendant

Genentech, Inc.

Defendant

Genzyme Corp.

Defendant

Glaxo Wellcome, P.L.C.

Defendant

Glaxosmithkline, PLC

Defendant

Immunex Corporation

Defendant

Ivax Corporation

Defendant

Ivax Pharmaceuticals Inc.

Defendant

Janssen Pharmaceutical

Defendant

Johnson & Johnson

Defendant

Key Pharmaceuticals Inc.

Defendant

Medimmune, Inc.

Defendant

Merck & Co. Inc.

Defendant

Mylan Laboratories, Inc.

Defendant

Organon Inc., USA

Defendant

**Novartis Pharmaceuticals
Corporation**

Defendant

Ortho Biotech

Defendant

Ortho McNeil Pharmaceuticals

Defendant

Pfizer Inc.

Defendant

Pharmacia Corporation

Defendant

Purdue Pharma L.P.

Defendant

Reliant Pharmaceuticals

Defendant

Sanofi-Synthelabo, Inc.

Defendant

Schering-Plough Corp.

Defendant

Serono, Inc.

Defendant

Smithklinebeeckham P.L.C.

Defendant

**Takeda Pharmaceuticals North
America, Inc.**

Defendant

TAP Pharmaceuticals

Defendant

Warrick Pharmaceuticals

Defendant

Wyeth

Defendant

Does 1-100

Date Filed	#	Docket Text
11/24/2004	<u>1</u>	COMPLAINT against Astrazeneca Pharmaceuticals, L.P., Astrazeneca U.S., Aventis Behring, Aventis Pharmaceuticals Inc., Barr Laboratories, Inc., Baxter International, Inc., Bayer AG, Berlex Laboratories, Inc., Biogen, Inc., Boehringer Ingelheim Corp., Bristol-Myers Squibb Company, Eli Lilly and Company, Fujisawa Pharmaceutical Company, Ltd., Genentech, Inc., Genzyme Corp., Glaxo Wellcome, P.L.C., Glaxosmithkline, PLC, Immunex Corporation, Ivax Corporation, Ivax Pharmaceuticals Inc., Janssen Pharmaceutical, Johnson & Johnson, Key Pharmaceuticals Inc., Medimmune, Inc., Merck & Co. Inc., Mylan Laboratories, Inc., Organon Inc., USA, Novartis Pharmaceuticals Corporation, Ortho Biotech, Ortho McNeil Pharmaceuticals, Pfizer Inc., Pharmacia Corporation, Purdue Pharma L.P., Reliant Pharmaceuticals, Sanofi-Synthelabo, Inc., Schering-Plough Corp., Serono, Inc., Smithklinebeeckham P.L.C., Takeda Pharmaceuticals North America, Inc., TAP Pharmaceuticals, Warrick Pharmaceuticals, Wyeth, Does 1-100, Abbott Laboratories, Inc., Agouron Pharmaceuticals, Inc., Amgen, Inc. filing fee \$ 150, receipt number 302432, filed by County of Nassau. (Attachments: # <u>1</u> Complaint-Part 1# <u>2</u> Complaint-Part 2)(Duong, Susan)

		(Entered: 12/01/2004)
11/24/2004		Summons Issued as to Astrazeneca Pharmaceuticals, L.P., Astrazeneca U.S., Aventis Behring, Aventis Pharmaceuticals Inc., Barr Laboratories, Inc., Baxter International, Inc., Bayer AG, Berlex Laboratories, Inc., Biogen, Inc., Boehringer Ingelheim Corp., Bristol-Myers Squibb Company, Eli Lilly and Company, Fujisawa Pharmaceutical Company, Ltd., Genentech, Inc., Genzyme Corp., Glaxo Wellcome, P.L.C., Glaxosmithkline, PLC, Immunex Corporation, Ivax Corporation, Ivax Pharmaceuticals Inc., Janssen Pharmaceutical, Johnson & Johnson, Key Pharmaceuticals Inc., Medimmune, Inc., Merck & Co. Inc., Mylan Laboratories, Inc., Organon Inc., USA, Novartis Pharmaceuticals Corporation, Ortho Biotech, Ortho McNeil Pharmaceuticals, Pfizer Inc., Pharmacia Corporation, Purdue Pharma L.P., Reliant Pharmaceuticals, Sanofi-Synthelabo, Inc., Schering-Plough Corp., Serono, Inc., Smithklinebeeckham P.L.C., Takeda Pharmaceuticals North America, Inc., TAP Pharmaceuticals, Warrick Pharmaceuticals, Wyeth, Does 1-100, Abbott Laboratories, Inc., Agouron Pharmaceuticals, Inc., Amgen, Inc.. (Duong, Susan) (Entered: 12/01/2004)
11/24/2004	<u>2</u>	DISCLOSURE of Interested Parties by County of Nassau.(Duong, Susan) (Entered: 12/01/2004)
11/24/2004	<u>3</u>	Notice of Related Case Assignment (Duong, Susan) (Entered: 12/01/2004)
12/01/2004		Case Ineligible for Arbitration(Bollbach, Jean) (Entered: 12/01/2004)

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